

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEISHA FOSTER, *et al.*,

Plaintiffs,

v.

THE CITY OF NEW YORK,

Defendant.

Case No.: 14 Civ. 4142 (PGG)

JOINT STIPULATION TO REINSTATE CLAIMS OF NATASHA CHRISTIAN

Plaintiffs and Defendant jointly stipulate to reinstate the claims of Natasha Christian in the above-captioned case. As set forth below, the Parties are in agreement that Plaintiff Christian was improperly dismissed from this case in connection with the Court's Order on Defendant's Motion for Summary Judgment (Dkt. 153).

Plaintiff Natasha Christian filed a consent-to-sue form with this Court on June 9, 2014. Dkt. 2-4 at 100. Defendant moved to dismiss Christian from this case as a part of its Motion for Summary Judgment on the grounds that she had allegedly failed to disclose the instant lawsuit in bankruptcy proceedings during the pendency of this case. *See* Dkt. 138 at 34-37. In support of its motion, the City submitted copies of a bankruptcy petition filed by a "Natasha M. Christian" in the U.S. Bankruptcy Court for the Eastern District of Wisconsin. Dkts. 139-28 (Def. Exhibit CP), 139-29 (Def. Exhibit CQ). Plaintiffs opposed the City's motion to dismiss Plaintiff Christian on bankruptcy grounds, but the Court ultimately ordered the dismissal of her claims from this case on September 30, 2017. Dkt. 46 at 38-39; Dkt. 153 at 82.

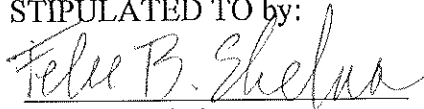
Upon review of the City's Motion for Summary Judgment, Plaintiffs' counsel contacted Christian via U.S. Mail to verify whether the bankruptcy petition filed by the City related to her.

Following the Court’s dismissal of her claims, Plaintiffs’ Counsel contacted Christian via U.S. Mail to inform her of the Court’s decision. However, Christian never received these communications because she had moved to a new address in February 2016. Ex. A, Declaration of Natasha N. Christian, ¶ 8. Accordingly, Christian only learned that her claims had been dismissed from this case in December 2021. *Id.*

It has now come to the Parties’ attention that Christian was improperly dismissed from this case, as the Natasha Christian identified in the bankruptcy proceedings filed by the City in support of its Motion for Summary Judgment is not the same Natasha Christian who filed a consent-to-sue form in this case. Specifically, the filed bankruptcy petition is for a “Natasha M. Christian,” was filed in a federal bankruptcy court in Wisconsin, and identifies assets in Wisconsin. Dkts. 139-28, 139-29. However, the Natasha Christian who filed a consent-to-sue form in this case has a different middle initial than the bankruptcy petitioner—her middle name is and has always been Nicole. Ex. A, ¶ 4. In addition, she has never lived in Wisconsin or owned any property there. *Id.* ¶ 5. Indeed, the Natasha Christian who filed a consent-to-sue form in this case has lived in New York for virtually her entire life, and she has been employed by the City’s Administration for Children’s Services on a continuous basis since approximately 2007. *Id.* ¶¶ 1, 5. She also has never filed for bankruptcy. *Id.* ¶ 7. Further, the last four digits of her Social Security Number do not match those of the bankruptcy petitioner. *Id.* ¶ 6.

For these reasons, the Parties agree that the claims of Natasha M. Christian should not have been dismissed in the above-captioned case. Accordingly, the Parties hereby stipulate to reinstate her FLSA claims with her original Court filing date of June 9, 2019.

STIPULATED TO by:



Felice B. Ekelman
JACKSON LEWIS P.C.
666 Third Avenue
New York, New York 10017
Phone: (212) 545-4000

Andrea O'Connor
The City of New York
Law Department
100 Church St.
New York, NY 10007

Attorneys for Defendant



Gregory K. McGillivary
Molly A. Elkin
Diana J. Nobile
Sarah M. Block
MCGILLIVARY STEELE ELKIN LLP
1101 Vermont Ave., N.W.
Suite 1000
Washington, DC 20005
Phone: (202) 833-8855

Hope Pordy
Elizabeth Sprotzer
SPIVAK LIPTON LLP
1700 Broadway
Suite 2100
New York, NY 10019
Phone: (212) 765-2100

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that on December 14, 2021, I caused the Parties' Joint Stipulation to Reinstate Claims of Natasha N. Christian to be served in accordance with the Federal Rules of Civil Procedure, the Court's Local Rules, and the Court's Rules on Electronic Service upon the Defendant's counsel:

Andrea O'Connor
New York City Law Department
Office of the Corporation Counsel
100 Church Street
New York, NY 10007
aoconnor@law.nyc.gov

Felice B. Ekelman
JACKSON LEWIS P.C.
666 Third Avenue
New York, New York 10017
Phone: (212) 545-4000

/s/ Gregory K. McGillivray
Gregory K. McGillivray